

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

ACKLEY, JR. et al.

Serial No. Cont. of 09/479,549 filed 01/07/00

Filed: Herewith

For: METHOD TO PRINT MULTICOLOR
IMAGES ON EDIBLE PIECES

Atty. Ref.: 4389-3

Group: 1700

Examiner: S. Weinstein

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**EXCLUSIVE SUBSTITUTE POWER OF ATTORNEY
AND EXCLUSIVE PROSECUTION HEREAFTER BY
ASSIGNEE UNDER 37 C.F.R. §§ 1.36, 3.71 AND 3.73**

Ackley Machine Corporation and Mars Incorporated, being the co-owners of all right, title and interest in the above-identified patent application, hereby appoint the attorneys of Customer Number 23117 individually and collectively our attorneys to prosecute the continuation of application No. 09/479,549, filed herewith, and to transact all business in the Patent and Trademark Office in connection therewith, and with the resulting patent.

Correspondence from the Patent Office and the Power of Attorney with respect to the parent application (09/479,549) and divisional application (10/619,571) shall not be changed and will remain with the law firm of record.

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ACKLEY JR., et al.
Continuation of Serial No. 09/479,549

Ackley Machine Corporation and Mars Incorporated also authorize Nixon & Vanderhye to act and rely solely on instructions communicated from the person, attorney, firm or other organization sending instructions to Nixon & Vanderhye on behalf of the owners, with respect to the above captioned continuation application.

Certificate Under 37 C.F.R. §3.73(b) - Ackley Machine Corporation

Ackley Machine Corporation, a corporation of New Jersey having a place of business at 1273 North Church Street, Moorestown, New Jersey 08057, states that it is the co-assignee of the entire right, title and interest in the patent application identified above by virtue of an assignment from the inventors to the aforesaid co-assignee, a copy of the assignment being attached.

The undersigned (whose title is typed below) is empowered to sign this statement on behalf of Ackley Machine Corporation.

15 OCT 03
Date

By:

Name:

Title:

E. Michael Ackley, Jr.
President

ACKLEY JR., et al.
Continuation of Serial No. 09/479,549

Certificate Under 37 C.F.R. §3.73(b) - Mars Incorporated

Mars Incorporated, a corporation of Delaware having a place of business at 6885 Elm Street, McLean, Virginia 22101-3883, states that it is the co-assignee of the entire right, title and interest in the parent application identified above by virtue of an assignment from the inventors to the aforesaid co-assignee, a copy of the assignment being attached.

The undersigned (whose title is typed below) is empowered to sign this statement on behalf of Mars Incorporated.

October 27, 2003
Date

By:

Raymond R. McAndrew
Name: Raymond R. McAndrew
Title: Agent for Mars Incorporated

Attachments:

Inventor Assignment to co-assignee Ackley Machine Corporation
Inventor Assignment to co-assignee Mars Incorporated

**CERTIFICATE ASSISTANT SECRETARY
of MARS, INCORPORATED**

I, ROBERT R. SCHROEDER, Assistant Secretary of Mars, Incorporated, a corporation organized under the laws of the State of Delaware, having its principal offices at 6885 Elm Street, McLean, Virginia, 22101, U.S.A., do hereby certify that the following is a true and exact copy of Sections 4.3 and 10.7 of the By-Laws of Mars, Incorporated as are in full force and effect as of the date hereof.

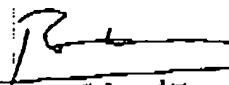
Section 4.3 Subordinate Officers. The Board of Directors may appoint such Assistant Secretaries, Assistant Treasurers, Controllers, General Counsels, legal officers and such other officers and agents including Trademark and Patent Agents to hold office for such period as the Board may from time to time determine. Assistant Secretaries may also be appointed by the Secretary, and Assistant Treasurers by the Treasurer, such appointments to be evidenced by a written instrument executed by the Secretary or Treasurer, as the case may be, and filed with the Secretary of the corporation.

Section 10.7. Patents and Trademarks. Any Executive Officer, Assistant Secretary or Trademark or Patent Agent of this corporation, in addition to the powers and duties assigned or delegated to him or her by the Board of Directors or the Chairman of the Board of this corporation or otherwise provided herein, shall have power and authority both within and outside the U.S. to file and prosecute patent, trademark and copyright applications and opposition or cancellation proceedings, to accept assignments and to execute on behalf of this corporation all documents necessary or conducive to the implementation of such applications, proceedings and assignments; and to delegate to others, including unassociated persons or entities, by power of attorney, or otherwise, the said powers conferred herein and to exercise such other powers as are related to and conducive to the exercise of the said powers.

I further certify that at a meeting of the Board of Directors of Mars, Incorporated, held 15 May 2001, Nicholas N. Kallas, T. J. Kelley, John A. Krause, Raymond R. Mandra, Leslie K. Mitchell and Pasquale A. Razzano of the firm of Fitzpatrick, Cella, Harper & Scinto were appointed Trademark and Patent Agents for the purposes of Sections 4.3 and 10.7 of the By-Laws of Mars, Incorporated, and such appointment is in full force and effect.

DATED: 30 August 2001


Corporate
Seal


Robert R. Schroeder
Assistant Secretary

NOTARIAL CERTIFICATION

Commonwealth of VIRGINIA)
) ss:
County of FAIRFAX)

In the County of Fairfax, Commonwealth of Virginia. The foregoing instrument was subscribed and sworn before me this 30th day of August 2001 by ROBERT R. SCHROEDER.


NOTARY PUBLIC
Susan E. Martin

02280.002470

ASSIGNMENT

COPY

FOR VALUE RECEIVED, WE, James M. Suttle, Michael E. Webster, Neil A. Willcocks and Michael S. Wozniak

citizens, respectively, of the United States, United States, Great Britain and the United States

residing, respectively, at

55 Manor Drive, East Stroudsburg, Pennsylvania 18301; 11 Heller Hill Road, Blairstown, New Jersey 07825; 7 Cathy Lane, Flanders, New Jersey 07836 and 212 Hurley Drive, Hackensack, New Jersey 07840

hereby sell, assign, transfer and convey unto

Mars Incorporated

a corporation of

Delaware

having a place of business at

6885 Elm Street
McLean, Virginia 22101-3883

its successors, assigns and legal representatives (hereinafter called the "Assignee"), the entire right, title and interest, for all countries, in and to certain inventions relating to

METHOD TO PRINT MULTICOLOR IMAGES ON EDIBLE PIECES

and described in an application for Letters Patent of the United States filed by us on January 7, 2000, and which has been accorded Application No. 09/479,549 and in and to said application, and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted, thereon, and all reissues and extensions thereof, and all applications for Letters Patent or other grants of protection of proprietary rights including, but not limited to, inventor's certificate, utility model, utility certificate, patent of importation, registration of patent and industrial design registration which may be filed, and which may be granted, upon said inventions in any countries or regions foreign to the United States, and all reissues, renewals and extensions thereof; and we hereby authorize and request the Commissioner for Patents and Trademarks of the United States, and all officials of countries or regions foreign to the United States having authority so to do, to issue all such Letters Patent or other grants of protection upon said inventions to the Assignee or to such nominees as it may designate.

AND we authorize and empower the said Assignee or nominees to invoke and claim for any application for such Letters Patent or other grants of protection for said inventions filed by it or them, the benefit of the right of priority provided by the International Convention for the Protection of Industrial Property, as amended, or by a convention which may henceforth be substituted for it, and to invoke and claim such right of priority without further written or oral authorization from us.

AND we hereby consent that a copy of this assignment shall be deemed a full and formal equivalent of any assignment, consent to file or like document which may be required in any country or region for any purpose and more particularly in proof of the right of the said Assignee or nominees to claim the aforesaid benefit of the right of priority provided by the International Convention for the Protection of Industrial Property, as amended, or by any convention which may henceforth be substituted for it.

AND we hereby covenant that we have the full right to convey the entire right, title and interest herein assigned and that we have not executed and will not execute any agreement in conflict herewith.

AND we hereby covenant and agree that we will communicate to said Assignee or nominees all facts known to us pertaining to said inventions, and testify in all legal proceedings, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and declarations and in general perform all lawful acts necessary or proper to aid said Assignee or nominees in obtaining, maintaining and enforcing all lawful patent or other grants of protection of said inventions in any and all countries and regions.

IN TESTIMONY WHEREOF, we hereunto set our hand and seal this

14th

day of

March

2003

James M. Suttle, L.S.
James M. Suttle

Michael E. Webster, L.S.
Michael E. Webster

COPY

COPY

Neil A. Willcocks L.S.
Neil A. Willcocks

Michael S. Wozniak L.S.
Michael S. Wozniak

STATE OF New Jersey)
COUNTY OF Morris) ss.:

On this 14th day of March, 2003, before me personally appeared James M. Suttle, Michael E. Webster, Neil A. Willcocks and Michael S. Wozniak to me known and known to me to be the individuals described herein and who executed the foregoing instrument, and who thereupon acknowledged to me that they executed the same for the purposes therein set forth.

(Seal)

Bettie Jan Restrepo
Notary Public
(Notary Stamp)

NY_MAIN 318858v1

BETTIE JAN RESTREPO
Notary Public State of New Jersey
My Commission Expires January 26, 2008
February 27, 2008

COPY

02280.002470

ASSIGNMENT

FOR VALUE RECEIVED, WE, E. Michael Ackley, Jr. and Samuel J. Loudon

citizens, respectively, of the United States

both residing at

c/o Ackley Machine Corp.
1273 N. Church Street
Moorestown, New Jersey 08057

hereby sell, assign, transfer and convey unto

Ackley Machine Corp.

a corporation of

New Jersey

having a place of business at

1273 North Church Street
Moorestown, New Jersey 08057

its successors, assigns and legal representatives (hereinafter called the "Assignee"), the entire right, title and interest, for all countries, in and to certain inventions relating to

METHOD TO PRINT MULTICOLOR IMAGES ON EDIBLE PIECES

and described in an application for Letters Patent of the United States filed by us on January 7, 2000, and which has been accorded Application No. 09/479,549 and in and to said application, and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted, thereon, and all reissues and extensions thereof, and all applications for Letters Patent or other grants of protection of proprietary rights including, but not limited to, inventor's certificate, utility model, utility certificate, patent of importation, registration of patent and industrial design registration which may be filed, and which may be granted, upon said inventions in any countries or regions foreign to the United States, and all reissues, renewals and extensions thereof; and we hereby authorize and request the Commissioner for Patents and Trademarks of the United States, and all officials of countries or regions foreign to the United States having authority so to do, to issue all such Letters Patent or other grants of protection upon said inventions to the Assignee or to such nominees as it may designate.

AND we authorize and empower the said Assignee or nominees to invoke and claim for any application for such Letters Patent or other grants of protection for said inventions filed by it or them, the benefit of the right of priority provided by the International Convention for the Protection of Industrial Property, as amended, or by a convention which may henceforth be substituted for it, and to invoke and claim such right of priority without further written or oral authorization from us.

AND we hereby consent that a copy of this assignment shall be deemed a full and formal equivalent of any assignment, consent to file or like document which may be required in any country or region for any purpose and more particularly in proof of the right of the said Assignee or nominees to claim the aforesaid benefit of the right of priority provided by the International Convention for the Protection of Industrial Property, as amended, or by any convention which may henceforth be substituted for it.

AND we hereby covenant that we have the full right to convey the entire right, title and interest herein assigned and that we have not executed and will not execute any agreement in conflict herewith.

AND we hereby covenant and agree that we will communicate to said Assignee or nominees all facts known to us pertaining to said inventions, and testify in all legal proceedings, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and declarations and in general perform all lawful acts necessary or proper to aid said Assignee or nominees in obtaining, maintaining and enforcing all lawful patent or other grants of protection of said inventions in any and all countries and regions.

IN TESTIMONY WHEREOF, we hereunto set our hand and seal this 3 day of February, 2003.


E. Michael Ackley, Jr.

L.S.

COPY

COPY

Samuel J. Loudon
Samuel J. Loudon

STATE OF New Jersey } ss:
COUNTY OF Burlington }

On this 3 day of February, 2003, before me personally appeared E. Michael Ackley, Jr. and Samuel J. Loudon to me known and known to me to be the individuals described herein and who executed the foregoing instrument, and who thereupon acknowledged to me that they executed the same for the purposes therein set forth.

(Seal)

Deborah E. Kinsey
Notary Public
(Notary Stamp)

DEBORAH E. KINSEY
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires February 8, 2003

NY_MAIN 316980 v 1

COPY

Nixon & Vanderhye PC

ATTORNEYS AT LAW

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901 NORTH GLEBE ROAD
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(703) 816-4019

FACSIMILE COVER SHEET
PLEASE DELIVER IMMEDIATELY!!!!

Our Ref.: 4389-3
Your Ref.: USSN 10/695,834 Date: May 12, 2006

To: Examiner Ren Yan
Firm: USPTO - GAU 2854
Facsimile No.: 1-571-273-2168
From: Paul T. Bowen

Number of Pages (including cover sheet): 49
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PLEASE CONTACT US IMMEDIATELY AT (703-816-4000).

PTB / Julie Krumpelman
FACSIMILE OPERATOR

ATTACHMENT/S: Power of Attorney
USSN 10/695,834 - ACKLEY, JR. et al.
Our Docket: 4389-3

MESSAGE:

Dear Examiner Yan,

As requested, attached is the Power of Attorney for the above-identified application.

Best regards,



Paul T. Bowen

Registration No. 38,009

PTB/jck

CONFIDENTIALITY NOTE

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